

EASEMENT AND RIGHT OF WAY

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THIS INDENTURE, made this 19th day of September, 1980, between Harrison Street Joint Venture, a Nebraska Joint Venture, which ~~joint venture is composed of~~

hereinafter referred to as "Grantor", and Metropolitan Utilities District of Omaha, a Municipal Corporation, hereinafter referred to as "Grantee", WITNESSETH:

That Grantor, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant to Metropolitan Utilities District of Omaha, its successors and assigns, an easement and right of way to lay, maintain, operate, repair, relay and remove, at any time, pipelines for the transportation of gas and water, and all appurtenances thereto, together with the right of ingress and egress to and from the same, on, over, under and through lands described as follows:

Several strips of land lying in Lots 146, 178, 179, 180, 181, 182, 197, 198, and 213, all in Applewood Heights, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska. Said tracts of land are more particularly described as follows:

The Northerly Five (5) feet of Lots One Hundred Forty-six (146), One Hundred Seventy-nine (179), One Hundred Eighty (180), One Hundred Eighty-one (181), One Hundred Eighty-two (182), One Hundred Ninety-seven (197), One Hundred Ninety-eight (198), Two Hundred Thirteen (213) and a strip of land in Lot One Hundred Seventy-eight (178) beginning at the Northwesterly corner of Lot One Hundred Seventy-eight (178); thence Southwesterly along the Westerly lot line of Lot One Hundred Seventy-eight (178) a distance of Five (5) feet; thence Southeasterly along a line parallel to and Five (5) feet Southerly from the Northerly lot line of Lot One Hundred Seventy-eight (178) a distance of Ninety-three (93) feet; thence Southeasterly in a straight line to a point on the Easterly lot line of Lot One Hundred Seventy-eight (178) said point being Twenty (20) feet South of the Northeast corner of Lot One Hundred Seventy-eight (178); thence North along the East lot line of Lot One Hundred Seventy-eight (178) a distance of Twenty (20) feet to the Northeast corner of Lot One Hundred Seventy-eight (178); thence Northwesterly along the Northerly lot line of Lot One Hundred Seventy-eight (178), said lot line being the Southerly right-of-way line of Washington Drive, a distance of One Hundred Three and Eighty-five Hundredths (103.85) feet to the point of beginning.

Said tracts, as shown on the plat attached hereto and made a part hereof by this reference, contain Ten Hundredths (0.10) acre, more or less.

TO HAVE AND TO HOLD said easement and right of way unto the said Grantee, Metropolitan Utilities District of Omaha, its successors and assigns.

1. Grantor, its successors or assigns agree that they will at no time erect, construct, or place on or below the surface of said tracts of land any building or structure, except pavement, and that they will not give anyone else permission to do so.
2. Grantee shall restore the surface of the soil excavated for any purpose hereunder, as near as may be reasonably possible, to the original contour thereof and as soon after such work is performed as may be reasonably possible to do so.
3. Nothing herein contained shall be construed as a waiver of any rights of Grantor, or duties and powers of Grantee, respecting the

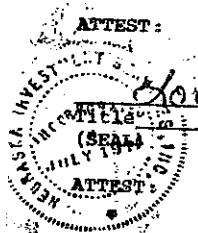
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ownership, use, operations, extensions and connections to any pipeline constructed and maintained hereunder.

IN WITNESS WHEREOF, the Grantor has caused this easement to be signed on the day and year first above written.

HARRISON STREET JOINT VENTURE,
a Nebraska Joint Venture,
Grantor

By NEBRASKA INVESTMENT SERVICES, INC.,
A Corporation,



ATTEST:
Dori A. Malzer

By C. E. Westphal
Title President

By

By _____
Title _____

Title _____
(SEAL)

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 19 day of September, 1980, before me, the undersigned, a Notary Public in and for said State of Nebraska, personally appeared C. E. WESTPHAL, President of NEBRASKA INVESTMENT SERVICES, INC., a corporation,

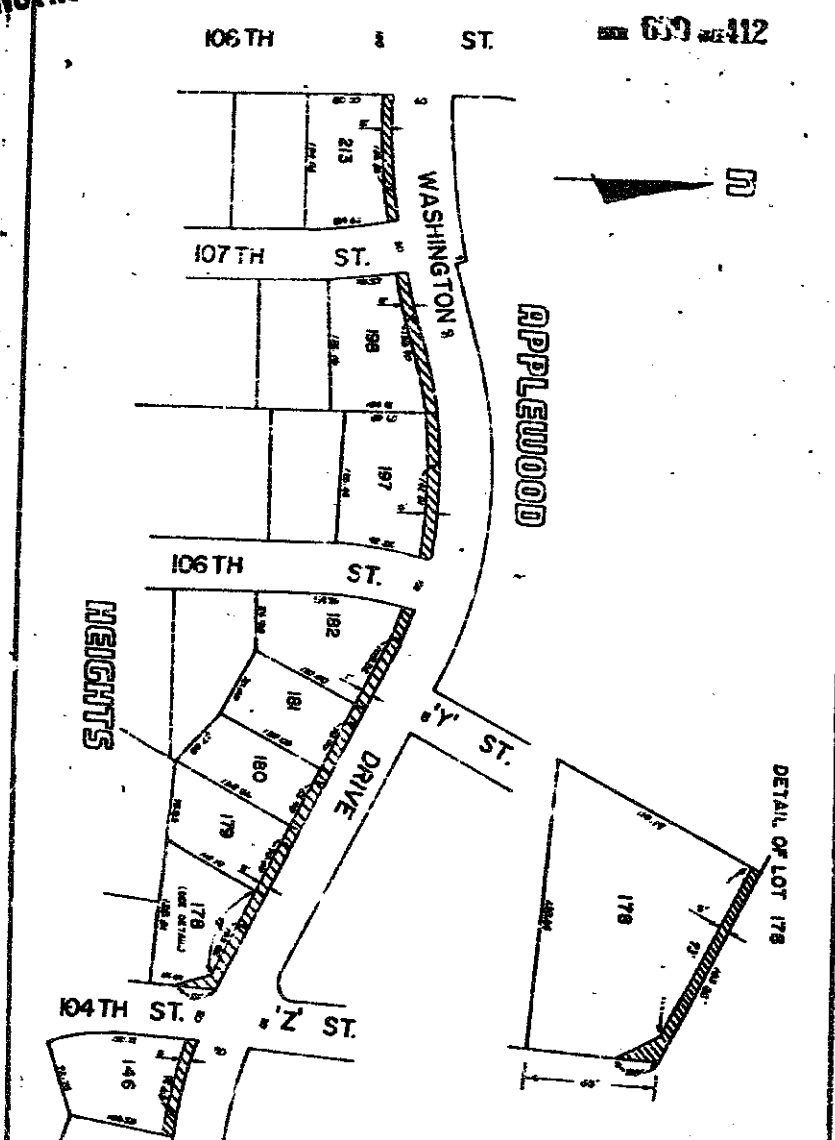
to me known to be the identical person named in and who executed the foregoing instrument, and to me known that said person is the President of said NEBRASKA INVESTMENT SERVICES, INC. that said NEBRASKA INVESTMENT SERVICES, INC. has the authority to execute easements and rights of ways in behalf of said Joint Venture, and acknowledged that he executed the same as his voluntary act and deed as a person, as his voluntary act and deed as the President of said NEBRASKA INVESTMENT SERVICES, INC., the voluntary act and deed of said corporation, and the voluntary act and deed of Harrison Street Joint Venture.

WITNESS my hand and Notarial Seal the day and year first above written.

GENERAL NOTARY - State of Nebraska
EVELYN M. OSWALD
My Comm. Exp. Mar. 23, 1983

Evelyn M. Oswald
Notary Public

POOR INSTRUMENT FILED



METROPOLITAN UTILITIES DISTRICT
 OMAHA, NEBRASKA
 EASEMENT ACQUISITION
 FOR S.C.C. 8322 & W.C.C. 8915
 LAND OWNER: SHAW-NATIONAL BANK - TRUSTEE
 American Street Bank
 North Omaha
 TOTAL ACRES: 0.0278
 PERMANENT EASEMENT: EZZZ
 LEGEND: EZZZ
 PAGE 1 OF 1

DRAWN BY: C.W.P. DATE: 7-17-80
 CHECKED BY: N.W.P. DATE: 7-18-80
 APPROVED BY: [Signature] DATE: 7-20-80
 REVISED BY: _____ DATE: _____
 REV. OR'D BY: _____ DATE: _____
 REV. APPROV. BY: _____ DATE: _____
 FILE NO. 41701

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